

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MERITZ FIRE & MARINE INSURANCE CO., LTD.,

Defendant.

Adv. Pro. No. 11-02539 (CGM)

**DECLARATION OF ERIC R. FISH IN SUPPORT OF THE TRUSTEE'S OPPOSITION  
TO DEFENDANT MERITZ FIRE & MARINE INSURANCE CO., LTD.'S  
MOTION TO DISMISS THE COMPLAINT**

I, Eric R. Fish, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am a partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff. I submit this

Declaration in support of the Trustee's Opposition to Defendant Meritz Fire & Marine Insurance Co., Ltd.'s ("Meritz") Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit A in redacted form is a true and correct copy of a Fairfield Sentry Limited Subscription Agreement purportedly signed by Meritz on June 26, 2006. (CFSSAM0003119–CFSSAM0003129).

3. Attached hereto as Exhibit B in redacted form is a true and correct copy of the Fairfield Sentry Limited Private Placement Memorandum dated May 8, 2006. (SECSEV2389487–SECSEV2389557).

4. Attached hereto as Exhibit C in redacted form are true and correct copies of two Citco Confirmations of Cash Received, both dated June 27, 2006, both with the account name Meritz Fire & Marine Insurance, and both referencing the receipt of \$10 million "in respect of" Fairfield Sentry Limited. (CFSSAM0003108–CFSSAM0003112).

5. Attached hereto as Exhibit D in redacted form is a true and correct copy of a Citco Request for Wire Transfer Payment, dated August 16, 2007, referencing Meritz Fire and Marine Insurance and a wire transfer payment from Fairfield Sentry Limited in the amount of \$10,911,002.31. (CFSSAM0012120).

6. Attached hereto as Exhibit E in redacted form is a true and correct copy of a Citco Request for Wire Transfer Payment, dated September 20, 2007, referencing Meritz Fire and Marine Insurance and a wire transfer payment from Fairfield Sentry Limited in the amount of \$10,944,895.54. (CFSSAM0012608).

7. Attached hereto as Exhibit F is a true and correct copy of email correspondence that appears to be between Fairfield Greenwich Group ("FGG") personnel, dated between

October 16, 2006 and October 18, 2006, with the subject line “Meritz – visit to FGG NY office.” (SECSEV0853865–SECSEV0853867).

8. Attached hereto as Exhibit G is a true and correct copy of email correspondence that appears to be between FGG personnel, dated between October 16, 2006 and November 8, 2006, with the subject line “Meritz – visit to FGG NY office.” (SECSEV0749300–SECSEV0749302).

9. Attached hereto as Exhibit H is a true and correct copy of email correspondence that appears to include representatives of FGG, Vantage Capital, and Meritz, dated July 27, 2007, with the subject line “Merits want to visit the Sentry in the beginning of Aug.” (SECSEV0901697–SECSEV0901699).

10. Although several of the foregoing documents attached as exhibits are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 10, 2022 in New York, New York.

/s/ Eric R. Fish  
Eric R. Fish